REMARKS

This is a full and timely response to the non-final Office Action mailed by the U.S. Patent and Trademark Office on March 10, 2005. Claims 1-20 remain pending in the present application. Claims 1-14 are amended. Applicants respectfully submit that support for the amendments can be found at least on page 9, line 11 to page 10, line 12 of the specification and with respect to FIG. 2. In view of the foregoing amendments and following remarks, reconsideration and allowance of the present application and claims are respectfully requested.

Rejections Under 35 U.S.C. § 101

Claims 1-14 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. The Office Action states that claims 1 and 8 are directed towards "a process for inclusion of links within a chromatography or spectroscopy software package." The Office Action states that "[t]his language fails to set forth physical structures or materials comprising of hardware or a combination of hardware and software within the technological arts (i.e., a computer) to produce a 'useful, concrete and tangible' result and can be interpreted as software per se that is not tangible embodied on a computer readable medium or hardware."

Applicants have amended claims 1-14 to be directed to a computer readable medium having a program. Applicants respectfully submit that claims 1-14 are now in compliance with 35 U.S.C. § 101 and respectfully request that the rejection be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 1-20

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wang, Frank Cheng-Yu, "An HTML Approach to Creating and Maintaining a Chromatography Database," (hereafter "*Wang*") in view of Lemay, Laura, "Teach Yourself Web Publishing with HTML 3.2 in 14 Days, Chapter 4 All About Links," hereafter ("*Lemay*").

For a claim to be properly rejected under 35 U.S.C. § 103, "[t]he PTO has the burden under section 103 to establish a *prima facie* case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that

knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988) (Citations omitted). Further, for a proper rejection under 35 U.S.C. § 103(a), a combination of references must expressly or impliedly suggest all of the features of the claimed invention, *i.e.*, all of the features cited in the claims at issue. *In re Gorman*, 933 F.2d 982, 18 USPQ 1885 (Fed. Cir. 1991). Hindsight reconstruction is impermissible. *See, e.g., Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 19 USPQ2d 1111 (Fed. Cir. 1991). Further, "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *In re Fritch*, 972 F.2d 1260, 1266, 23 U.S.P.Q.2d 1780 (Fed Cir. 1992).

It is stated in the Office Action that:

Wang discloses: A process for inclusion of links within a chromatography or spectroscopy software package, comprising:

injecting a sample of compounds into a chromatographic or spectroscopic instrument (Wang on page 2, 4th paragraph – page 3, 2nd paragraph, page 6, last paragraph and see Abstract teaches chromatography and spectroscopy; identifying unknown compounds);

creating a method that contains data analysis parameters relating to the sample of compounds (Wang on page 3, 2nd paragraph teaches parameters for reference to the chromatogram in the database and see Abstract teaches analytical chemistry for compounds);

creating a calibration table that contains the data analysis parameters; analyzing the signals generated by the method (Wang on page 3, 4th paragraph teaches an index file for polymer list and on page 4, 1st paragraph teaches a lost of instrumentation and experimental conditions used to generate the pyrogram); and

generating a report that automatically includes the meta language and that provides results of the signal analysis, wherein the meta language link the report to resources that store information relating to the compounds, the resources being directly accessible from within the report (Wang on page 4 teaches a report such as the polymer page (figure 3) wherein the peck number 2 in the pyrogram can be selected and the related file will be activated through a file link from the polymer page. Furthermore, Wang's pages are generated in HTML (page 2, 3rd paragraph).

However, Wang does not explicitly disclose "meta language tools link the report to resources"

Lemay discloses "link tags" within the HTML web page helps the user link to another pages, in other words, the link tags are tools to jump to another page or for retrieving requested information (see pages 78-79).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Lemay into Wang to provide a way to have links tags as a tool to link to another page, as taught by Lemay, incorporated into the HTML system of Wang, in order to efficiently link files and images within an HTML environment.

Wang discloses a way of creating and maintaining an electronic chromatography database. *Wang* shows as an example an electronic chromatography database containing a pyrolysis GC (pyGC) database of polymers. For example, after the database is started, if a user selects polystyrene, "a polysty.htm file (in the polymer folder) will be activated through the file link from the index.htm file." *See Wang*, page 4 of 8. When referring to the page that includes physical property information for polystyrene, *Wang* continues, stating "[t]his page includes physical property information, a program (linked to this page from an image file, polysty.gif), a list of pyrolysis fragments, a list of instrumentation and experimental conditions used to generate the pyrogram, and a polymer structure (linked to this page from an image file, polystyst.gif)." *See Wang*, page 4 of 8. *Wang* continues "[a]ll identified fragments in the pyrogram are labeled. If any fragment in the pyrogram is of interest, the user can choose that fragment either by pointing the mouse to the label of that peak in the pyrogram and selecting it or by pointing the mouse to that fragment in the fragment list and selecting it." *See Wang*, page 4 of 8. *Wang* discloses an electronic database containing embedded links to different, but related, pages and images within the database.

Wang also discloses the ability to link common fragments identified in the pyrogram through a uniform resource locator (URL) to an address in the World Wide Web (WWW) where the physical property and spectral information are available. *See Wang*, page 5 of 8.

Lemay discloses a manner of creating and inserting hypertext links using hypertext markup language (HTML).

In marked contrast thereto, the present invention describes a report generated by a chromatographic or spectroscopic analysis system in which meta language tools are incorporated into the calibration table and the report includes "automatically included" meta language links to resources that are directly accessible from within the report.

Applicants respectfully submit that the proposed combination fails to disclose,

teach or suggest each element in the claims. With regard to independent claim 1, Applicants respectfully submit that the proposed combination fails to disclose, teach or suggest at least "incorporating meta language tools in the calibration table," and "generating a report that automatically includes the meta language tools and that provides results of the signal analysis, wherein the meta language tools link the report to resources that store information relating to the compounds, the resources being directly accessible from within the report," as recited in independent claim 1.

Neither does the proposed combination disclose, teach or suggest at least "incorporating links within the method, wherein the links direct an operator to resources that contain information relating to the compounds," and "generating a chromatographic or spectroscopic report that automatically includes the links, wherein the report includes the links embedded within the method, the resources being directly accessible from within the report," as recited in independent claim 8.

Neither does the proposed combination disclose, teach or suggest at least "tags automatically included in the report for electronically linking the report to resources that store the information relating to the compounds, the resources being directly accessible from within the report," as recited in independent claim 15.

Applicants respectfully disagree with the statement in the Office Action that *Wang* discloses "generating a report that automatically includes the meta language and that provides results of the signal analysis, wherein the meta language link the report to resources that store information relating to the compounds, the resources being directly accessible from within the report." Applicants respectfully submit that nowhere does *Wang* disclose, teach or suggest "generating a report that automatically includes the meta language tools and that provides results of the signal analysis, wherein the metal language tools link the report to resources that store information relating to the compounds, the resources being directly accessible from within the report."

Applicants also respectfully point out that the Office Action fails to address the language in claim 1 that recites "incorporating meta language tools in the calibration table," or the language in claim 8 that recites "incorporating links within the method." Applicants respectfully submit that nowhere does the proposed combination disclose, teach or suggest these features.

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The Office Action states that *Wang* does not explicitly disclose "meta language tools link the report to resources." The Office Action relies on *Lemay* to provide this teaching. However, *Lemay* does not cure the defects of *Wang* because *Lemay* merely teaches the creation of a hyperlink and the insertion of a link tag in a document.

Applicants also respectfully disagree with the statement in the Office Action that "[i]t would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Lemay into Wang to provide a way to have links tags as a tool to link to another page, as taught by Lemay, incorporated into the HTML system of Wang, in order to efficiently link files and images within a HTML environment."

Applicants respectfully disagree with the Office Action's characterization that Applicants' invention is used to "provide a way to have links tags as a tool to link to another page, as taught by Lemay, incorporated into the HTML system of Wang, in order to efficiently link files and images within a HTML environment." Applicants respectfully submit that Applicants invention does not "link files and images within a HTML environment," as alleged by the Office Action. Instead, Applicants' invention develops an analysis method that includes meta language tools and then automatically incorporates the meta language tools in an analysis report to allow a user of the report access to information that is not normally provided in the report.

No Motivation to Combine *Wang* with *Lemay*

Applicants respectfully submit that there is no motivation to combine *Wang* with *Lemay* to arrive at the present invention. "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so." *ACS Hospital Systems, Inc., v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Further, "[t]here must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination." *In re Oetiker*, 977 F.2d 1443, 1447, 24 USPQ2d 1443 (Fed. Cir. 1992).

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Applicants respectfully submit that there is nothing in *Wang* and *Lemay* that would motivate one having ordinary skill in the art to combine these references to arrive at Applicants' invention. Further, the proposed combination fails to provide either a reasonable expectation of success of combining the references to generate the calibration table having the meta language tools or a report having automatically included meta language tools, or show any relevance to the problem solved by Applicants' invention. Specifically, Applicants respectfully submit that one having ordinary skill in the art would not be led to combine *Wang*, which *does not* mention incorporating meta language tools in a calibration table or in a method with *Lemay*, which merely discloses that it is possible to create and insert HTML links in a document, to arrive at Applicants' invention.

Further, the Office Action fails to articulate a clear motivation to make the proposed combination. Specifically, Applicants respectfully submit that the Office Action fails to establish a prima facie case of obviousness because the Office Action has not pointed out the specific teachings in *Wang* and *Lemay* that would motivate one having ordinary skill in the art to combine the references to arrive at Applicants' invention. Indeed, the proposed combination of *Wang* and *Lemay* fails to disclose, teach or suggest incorporating meta language tools in a calibration table, or automatically incorporating links within a method, wherein the links direct an operator to resources that contain information relating to the compounds being analyzed by a chromatograph or a spectrometer. Neither does the proposed combination generate a report having automatically included meta language tools that correspond to resources, as claimed by the Applicants.

Further, Applicants respectfully disagree with the conclusory statement in the Office Action that:

> [i]t would have been obvious to a person of ordinary skill in the art at the time of the invention to have modified Lemay into Wang to provide a way to have links tags as a tool to link to another page, as taught by Lemay, incorporated into the HTML system of Wang, in order to efficiently link files and images within a HTML environment.

Applicants respectfully submit that one having ordinary skill in the art would *not* be led toward combining *Wang* and *Lemay* because *Wang* fails to mention incorporating meta language tools in a calibration table or in a method and *Lemay* merely discloses that it is possible to create and insert HTML links in a document.

Accordingly, Applicants respectfully submit that independent claims 1, 8 and 15 are allowable over the combination of *Wang* and *Lemay*, and furthermore, that dependent claims 2-7, 9-14 and 16-20 are allowable for at least the reason that they depend from allowable independent claims. *In re Fine, supra.*

Claims 5, 12 and 19

Claims 5, 12 and 19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Wang*.

It is stated in the Office Action that:

> Wang discloses: using HyperText Markup Language, Extensible Markup Language, or Chemical Markup Language for the meta language tools (Wang on page 2, 3rd paragraph teaches HTML).

Applicants respectfully submit that *Wang*, on page 2, 3rd paragraph merely teaches the use of HTML as a standardized language on the WWW, and in no way teaches each element of the independent claims from which claims 5, 12 and 19 depend. Nor does *Wang* disclose, teach or suggest the use of Extensible Markup Language (XML) or Chemical Markup Language (CML). Furthermore, for at least the reasons discussed above with respect to claims 1, 8 and 15, Applicants respectfully submit dependent claims 5, 12 and 19 are allowable in that they depend from allowable independent claims. *In re Fine, supra.*

Claims 7 and 14

Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Wang*.

It is stated in the Office Action that:

> Wang discloses: editing the meta language tools in the calibration table (Wang on page 2, 2nd paragraph editing and maintaining databases).

Applicants respectfully submit that *Wang*, on page 2, 2nd paragraph merely teaches that to create and maintain an electronic chromatography database, certain issues must be addressed, including inputting data from different sources, maintenance (adding, deleting, and modifying entries), access and distribution,

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compatibility and integration with other databases, access from different computer platforms, and the cost of software, and in no way teaches each element of the independent claims from which claims 7 and 14 depend. Nor does *Wang* disclose, teach or suggest a calibration table, much less a calibration table having a meta language link. Furthermore, for at least the reasons discussed above with respect to claims 1 and 8, Applicants respectfully submit dependent claims 7 and 14 are allowable in that they depend from allowable independent claims. *In re Fine, supra.*
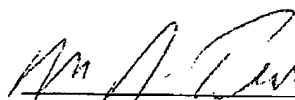
CONCLUSION

For at least the foregoing reasons, Applicants respectfully request that all outstanding rejections be withdrawn and that all pending claims of this application be allowed to issue. If the Examiner has any comments regarding Applicants' response or intends to dispose of this matter in a manner other than a notice of allowance, Applicants request that the Examiner telephone Applicants' undersigned attorney.

Respectfully submitted,

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